

FILED

OCT 19 2005

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LARRY E. RAUGUST,

Defendant - Appellant.

No. 03-30451

D.C. No. CR-02-00197-RHW

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Idaho
Robert H. Whaley, District Judge, Presiding

Submitted October 11, 2005^{**}

Before: T.G. NELSON, WARDLAW and TALLMAN, Circuit Judges.

Larry E. Raugust appeals from his guilty-plea conviction and the 77-month sentence imposed for possession of illegal firearms, in violation of 26 U.S.C. §§ 5861(d) and 5845(a), (f), making of illegal firearms, in violation of 26 U.S.C.

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

§§ 5861(f) and 5822, and transfer of illegal firearms, in violation of 26 U.S.C.

§§ 5861(e) and 5812.

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), counsel for Raugust has filed a brief stating there are no grounds for relief, and a motion to withdraw as counsel of record. Raugust has not filed a pro se supplemental brief.

We have conducted an independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 83 (1988). We affirm the conviction. We remand the sentence for further proceedings consistent with *United States v. Ameline*, 409 F.3d 1073, 1084-85 (9th Cir. 2005) (en banc).

Counsel's motion to withdraw as counsel on appeal is denied.

The conviction is **AFFIRMED**, and the sentence is **REMANDED**.